

AMENDED IN SENATE JUNE 14, 2016

AMENDED IN ASSEMBLY MARCH 29, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2882

**Introduced by Committee on Judiciary (Assembly Members
Mark Stone (Chair), Alejo, Chau, Chiu, Cristina Garcia, and
Holden)**

February 25, 2016

An act to amend Sections 302, 304, 306.5, 308, 360, 500, 2103, 4007.5, 4014, 4052.5, 8714, 17212, 17306, 17400, 17434, 17450, 17460, 17506, 17508, 17522.5, 17523.5, 17525, 17528, 17710, and 17801 of, to add Section 17504.1 to, to add Article 4 (commencing with Section 17390) to Chapter 1 of Division 17 of, and to repeal Sections 17458 and 17802 of, the Family Code, to add Section 69619.5 to the Government Code, and to amend Section 361 of, to repeal Sections 11475.2, 11475.3, and 11476.2 of, to repeal Chapter 4 (commencing with Section 10080) of Part 1 of, and to repeal Chapter 6 (commencing with Section 16575) of Part 4 of, Division 9 of, the Welfare and Institutions Code, relating to family law.

LEGISLATIVE COUNSEL'S DIGEST

AB 2882, as amended, Committee on Judiciary. Judiciary omnibus: family law.

(1) Existing law provides that an unmarried person under 18 years of age is capable of consenting to and consummating marriage upon obtaining a court order granting permission of the underage person or persons to marry. Existing law requires the court order and written consent of the parents of each underage person, or of one of the parents

or the guardian of each underage person, to be filed with the clerk of the court, and requires a certified copy of the order to be presented to the county clerk at the time the marriage license is issued.

This bill would instead require the court order and written consent of at least one of the parents or the guardian of each underage person to be filed with the clerk of the court.

Existing law provides that parties to a marriage are not required to have the same name. Existing law provides that one party or both parties to a marriage may elect to change the middle or last names, or both, by which that party wishes to be known after solemnization of the marriage, and authorizes a person to adopt any of the specified last names and middle names, including a hyphenated combination of last names and a hyphenated combination of the current middle name and current last name of the person or spouse or a hyphenated combination of the current middle name and the last name given at birth of the person or spouse.

This bill would instead authorize a person to adopt a combination of last names, and a combination of the current middle name and the current last name of the person or spouse or a combination of the current middle name and the last name given at birth of the person or spouse.

Existing law requires the person solemnizing the marriage to obtain a duplicate marriage license, if a marriage license is lost, damaged, or destroyed after the marriage ceremony, but before it is returned to the county recorder, or deemed unacceptable for registration by the county recorder. Existing law prohibits the duplicate marriage license from being issued later than one year after the issuance of the original license and requires the license to be returned by the person solemnizing the marriage to the county recorder within one year of the issuance date shown on the original license.

This bill would instead prohibit the duplicate marriage license from being issued later than one year after the date of marriage, and would require the license be returned by the person solemnizing the marriage to the county recorder within one year of the date of marriage.

(2) Existing law authorizes a person desiring to adopt a nondependent child to file an adoption request in an authorized county. Under existing law, a petition for adoption of a nondependent child may be filed in specified locations, including the county in which the petitioner resides or where the adoption agency, department, or public adoption agency is located. If a child has been adjudged to be a dependent of the juvenile court, and thereafter has been freed for adoption by the juvenile court, existing law authorizes the petition to be filed in either the county where

the petitioner resides or in the county where the child was freed for adoption.

This bill would instead provide that a petitioner desiring to adopt a dependent child who is freed for adoption by the juvenile court and with whom that dependent child is placed for adoption may file the adoption request either in the county where the petitioner resides or in the county where the child was freed for adoption.

(3) Existing law authorizes the court to limit the control to be exercised over a dependent child by any parent or guardian and requires the court, by its order, to clearly and specifically set forth all those limitations in all cases in which a minor is adjudged to be a dependent child of the court. Existing law provides that the court's authority does not limit the ability of a parent to voluntarily relinquish his or her child to the State Department of Social Services, to a county adoption agency, or to a licensed private adoption agency at any time while the child is the subject of a petition to declare him or her a dependent child, if the department, county adoption agency, or licensed private adoption agency is willing to accept the relinquishment. When accepting the relinquishment of a child subject to a petition to declare him or her a dependent child, existing law requires a licensed private adoption agency to file with the court one original and 10 copies of a request to approve the relinquishment within 5 court days of accepting the relinquishment.

This bill would instead require a licensed private adoption agency, or allow another party or that party's counsel, to file with the court one original and 5 copies of a request to approve the relinquishment within 10 court days of accepting the relinquishment.

(4) Existing law establishes the Department of Child Support Services within the California Health and Human Services Agency, which administers all services and performs all functions necessary to establish, collect, and distribute child support. Existing state law establishes within the Department of Child Support Services a Statewide Child Support Registry and a single statewide automated child support system as required under federal law, referred to as the California Child Support Automation System. Existing law requires the Statewide Child Support Registry to include storage and data retrieval of the specified information, including any information required under federal law, for all California child support orders.

This bill would reenact those provisions relating to the Statewide Child Support Registry in the Family Code. The bill would delete obsolete provisions in the Welfare and Institutions Code relating to the

procurement and development of the California Child Support Automation System.

Existing law requires each clerk of the court to provide the child support information described above within 20 days to the Department of Child Support Services or the registry from each new or modified child support order. Existing law requires the department to, among other things, ensure that all child support data received from the clerks of the court are entered into the registry within 10 days of receipt. Existing law requires any information maintained by the Statewide Child Support Registry received from the clerks of the court to be provided to county district attorneys, the Franchise Tax Board, the courts, and others as provided by law.

This bill would instead require the department to ensure that all child support data received from the clerks of the court are entered into the Statewide Child Support Registry within 5 business days of receipt. The bill would instead require any information maintained by the registry received from the clerks of the court to be provided to local child support agencies, the court, and others as provided by law. The bill would require the registry to operate to ensure that all data in the registry can be accessed and integrated for statistical analysis and reporting purposes with all child support order data contained in the California Child Support Enforcement System.

(5) Existing law establishes within the Department of Child Support Services the State Disbursement Unit for the collection and disbursement of payments under support orders. Existing law requires any child support delinquency collected by the department to be deposited into the State Treasury to the credit of the Special Deposit Fund, which is a continuously appropriated fund, and distributed as specified by interagency agreement executed by the Franchise Tax Board and the department, with concurrence of the Controller. Upon availability of the State Disbursement Unit, existing law requires any child support delinquency collected to be deposited in a manner that the deposit and subsequent disbursement are consistent with federal law.

This bill would repeal these requirements.

(6) Existing law requires each county to maintain a local child support agency that ~~shall have the responsibility~~ *is responsible* for promptly and effectively establishing, modifying, and enforcing child support obligations. Existing law requires local child support agencies, on a monthly basis, to provide to any CalWORKs recipient or former recipient from whom an assignment is currently effective, a notice of

amount assigned support payments made on behalf of the recipient or former recipient.

This bill would reenact this requirement in the Family Code.

(7) Existing law requires any person, financial institution, or securities intermediary in possession or control of a financial asset upon which a levy has been issued to withhold the amount of, ~~as applicable,~~ of the financial asset for the purpose of collecting a delinquent child support obligation to liquidate the financial asset in a commercially reasonable manner within 20 days of issuance of the levy or notice to withhold. Existing law requires, within 5 business days of liquidation, the person, financial institution, or securities intermediary to transfer to the local child support agency, the Franchise Tax Board, or the department, as applicable, the proceeds of the liquidation, as specified.

This bill would instead require the person, financial institution, or securities intermediary to transfer to the State Disbursement Unit the proceeds of the liquidation.

(8) This bill would delete references to the California Child Support Automation System and would refer instead to the California Child Support Enforcement System. The bill would delete obsolete references to the Franchise Tax Board and the California Family Support Council, and would also delete other obsolete provisions and make other conforming changes.

(9) Existing law requires a child support order to be suspended, by operation of law, when an obligor is incarcerated or involuntarily institutionalized for a period exceeding 90 days, subject to specified exceptions. Existing law authorizes a local child support agency to administratively adjust account balances for a money judgment or order for support of a child if the agency verifies that arrears and interest were accrued in violation of these provisions, if specified conditions are satisfied.

Prior law, from July 1, 2011, until July 1, 2015, similarly required the obligation of a person to pay child support pursuant to an order that is being enforced by a local child support agency under Title IV-D of the Social Security Act to be suspended for the period of time exceeding 90 days in which the person required to pay support is incarcerated or involuntarily institutionalized, with specified exceptions. Prior law authorized an obligor, upon release from incarceration or involuntary institutionalization, to petition the court for an adjustment of the arrears pursuant to the suspension of the support obligation.

This bill would authorize a person who accrued child support arrears between July 1, 2011, and June 30, 2015, and who was eligible for an adjustment of arrears pursuant to the provisions that expired on July 1, 2015, to petition the court for a reduction in arrears in accordance with these provisions as they existed on June 30, 2015.

(10) Existing law specifies the number of judges of the superior court for each county, and allocates additional judgeships to the various counties in accordance with uniform standards for factually determining additional need in each county, as approved by the Judicial Council, and other specified criteria. Existing law provides for the conversion of 146 subordinate judicial officer positions in eligible superior courts upon the occurrence of specified conditions, including that the proposed action is ratified by the Legislature, except that no more than 16 positions may be converted to judgeships in any fiscal year. Notwithstanding this provision, existing law authorizes up to 10 additional subordinate judicial officer positions to be converted to judgeships in any fiscal year if the conversions will result in a judge being assigned to a family law or juvenile law assignment previously presided over by a subordinate judicial officer and the proposed action is ratified by the Legislature.

This bill would ratify the authority of the Judicial Council to convert 10 subordinate judicial officer positions to judgeships in the 2016–17 fiscal year when the conversion will result in a judge being assigned to a family law or juvenile law assignment previously presided over by a subordinate judicial officer.

(11) The bill would delete an obsolete provision, and make other nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 302 of the Family Code is amended to
2 read:

3 302. (a) An unmarried person under 18 years of age is capable
4 of consenting to and consummating marriage upon obtaining a
5 court order granting permission to the underage person or persons
6 to marry.

7 (b) The court order and written consent of at least one of the
8 parents or the guardian of each underage person shall be filed with

1 the clerk of the court, and a certified copy of the order shall be
2 presented to the county clerk at the time the marriage license is
3 issued.

4 SEC. 2. Section 304 of the Family Code is amended to read:

5 304. As part of the court order granting permission to marry
6 under Section 302 or 303, the court shall, if it considers it
7 necessary, require the parties to the prospective marriage of a minor
8 to participate in premarital counseling concerning social, economic,
9 and personal responsibilities incident to marriage. The parties shall
10 not be required, without their consent, to confer with counselors
11 provided by religious organizations of any denomination. In
12 determining whether to order the parties to participate in the
13 premarital counseling, the court shall consider, among other factors,
14 the ability of the parties to pay for the counseling. The court may
15 impose a reasonable fee to cover the cost of any premarital
16 counseling provided by the county or the court. The fees shall be
17 used exclusively to cover the cost of the counseling services
18 authorized by this section.

19 SEC. 3. Section 306.5 of the Family Code is amended to read:

20 306.5. (a) Parties to a marriage shall not be required to have
21 the same name. Neither party shall be required to change his or
22 her name. A person's name shall not change upon marriage unless
23 that person elects to change his or her name pursuant to subdivision
24 (b).

25 (b) (1) One party or both parties to a marriage may elect to
26 change the middle or last names, or both, by which that party
27 wishes to be known after solemnization of the marriage by entering
28 the new name in the spaces provided on the marriage license
29 application without intent to defraud.

30 (2) A person may adopt any of the following last names pursuant
31 to paragraph (1):

32 (A) The current last name of the other spouse.

33 (B) The last name of either spouse given at birth.

34 (C) A name combining into a single last name all or a segment
35 of the current last name or the last name of either spouse given at
36 birth.

37 (D) A combination of last names.

38 (3) A person may adopt any of the following middle names
39 pursuant to paragraph (1):

40 (A) The current last name of either spouse.

1 (B) The last name of either spouse given at birth.

2 (C) A combination of the current middle name and the current
3 last name of the person or spouse.

4 (D) A combination of the current middle name and the last name
5 given at birth of the person or spouse.

6 (4) (A) An election by a person to change his or her name
7 pursuant to paragraph (1) shall serve as a record of the name
8 change. A certified copy of a marriage certificate containing the
9 new name, or retaining the former name, shall constitute proof
10 that the use of the new name or retention of the former name is
11 lawful.

12 (B) A certified copy of a marriage certificate shall be accepted
13 as identification establishing a true, full name for purposes of
14 Section 12800.7 of the Vehicle Code.

15 (C) Nothing in this section shall be construed to prohibit the
16 Department of Motor Vehicles from accepting as identification
17 other documents establishing a true, full name for purposes of
18 Section 12800.7 of the Vehicle Code. Those documents may
19 include, without limitation, a certified copy of a marriage certificate
20 recording a marriage outside of this state.

21 (D) This section shall be applied in a manner consistent with
22 the requirements of Sections 1653.5 and 12801 of the Vehicle
23 Code.

24 (5) The adoption of a new name, or the choice not to adopt a
25 new name, by means of a marriage license application pursuant
26 to paragraph (1) shall only be made at the time the marriage license
27 is issued. After a marriage certificate is registered by the local
28 registrar, the certificate shall not be amended to add a new name
29 or change the name adopted pursuant to paragraph (1). An
30 amendment may be issued to correct a clerical error in the new
31 name fields on the marriage license. In this instance, the
32 amendment shall be signed by one of the parties to the marriage
33 and the county clerk or his or her deputy, and the reason for the
34 amendment shall be stated as correcting a clerical error. A clerical
35 error as used in this part is an error made by the county clerk, his
36 or her deputy, or a notary authorized to issue confidential marriage
37 licenses, whereby the information shown in the new name field
38 does not match the information shown on the marriage license
39 application. This requirement shall not abrogate the right of either
40 party to adopt a different name through usage at a future date, or

1 to petition the superior court for a change of name pursuant to Title
2 8 (commencing with Section 1275) of Part 3 of the Code of Civil
3 Procedure.

4 (c) Nothing in this section shall be construed to abrogate the
5 common law right of any person to change his or her name, or the
6 right of any person to petition the superior court for a change of
7 name pursuant to Title 8 (commencing with Section 1275) of Part
8 3 of the Code of Civil Procedure.

9 SEC. 4. Section 308 of the Family Code is amended to read:

10 308. A marriage contracted outside this state that would be
11 valid by laws of the jurisdiction in which the marriage was
12 contracted is valid in California.

13 SEC. 5. Section 360 of the Family Code is amended to read:

14 360. (a) If a marriage license is lost, damaged, or destroyed
15 after the marriage ceremony, but before it is returned to the county
16 recorder, or deemed unacceptable for registration by the county
17 recorder, the person solemnizing the marriage, in order to comply
18 with Section 359, shall obtain a duplicate marriage license by filing
19 an affidavit setting forth the facts with the county clerk of the
20 county in which the license was issued.

21 (b) The duplicate marriage license shall not be issued later than
22 one year after the date of marriage and shall be returned by the
23 person solemnizing the marriage to the county recorder within one
24 year of the date of marriage.

25 (c) The county clerk may charge a fee to cover the actual costs
26 of issuing a duplicate marriage license.

27 (d) If a marriage license is lost, damaged, or destroyed before
28 a marriage ceremony takes place, the applicants shall purchase a
29 new marriage license and the old license shall be voided.

30 SEC. 6. Section 500 of the Family Code is amended to read:

31 500. When two unmarried people, not minors, have been living
32 together as spouses, they may be married pursuant to this chapter
33 by a person authorized to solemnize a marriage under Chapter 1
34 (commencing with Section 400) of Part 3.

35 SEC. 7. *Section 2103 of the Family Code is amended to read:*

36 2103. In order to provide full and accurate disclosure of all
37 assets and liabilities in which one or both parties may have an
38 interest, each party to a proceeding for dissolution of the marriage
39 or legal separation of the parties shall serve on the other party a
40 preliminary declaration of disclosure under Section 2104, unless

1 service of the preliminary declaration of disclosure is *waived as*
2 *provided in Section 2107 or is* not required pursuant to Section
3 2110, and a final declaration of disclosure under Section 2105,
4 unless service of the final declaration of disclosure is waived
5 pursuant to Section ~~2105~~ 2105, 2107, or 2110, and shall file proof
6 of service of each with the court.

7 ~~SEC. 7.~~

8 SEC. 8. Section 4007.5 of the Family Code is amended to read:

9 4007.5. (a) Every money judgment or order for support of a
10 child shall be suspended, by operation of law, for any period
11 exceeding 90 consecutive days in which the person ordered to pay
12 support is incarcerated or involuntarily institutionalized, unless
13 either of the following conditions exist:

14 (1) The person owing support has the means to pay support
15 while incarcerated or involuntarily institutionalized.

16 (2) The person owing support was incarcerated or involuntarily
17 institutionalized for an offense constituting domestic violence, as
18 defined in Section 6211, against the supported party or supported
19 child, or for an offense that could be enjoined by a protective order
20 pursuant to Section 6320, or as a result of his or her failure to
21 comply with a court order to pay child support.

22 (b) The child support obligation shall resume on the first day
23 of the first full month after the release of the person owing support
24 in the amount previously ordered, and that amount is presumed to
25 be appropriate under federal and state law. This section does not
26 preclude a person owing support from seeking a modification of
27 the child support order pursuant to Section 3651, based on a change
28 in circumstances or other appropriate reason.

29 (c) (1) A local child support agency enforcing a child support
30 order under Title IV-D of the Social Security Act (42 U.S.C. Sec.
31 651 et seq.) may, upon written notice of the proposed adjustment
32 to the support obligor and obligee along with a blank form provided
33 for the support obligor or obligee to object to the administrative
34 adjustment to the local child support agency, administratively
35 adjust account balances for a money judgment or order for support
36 of a child suspended pursuant to subdivision (a) if all of the
37 following occur:

38 (A) The agency verifies that arrears and interest were accrued
39 in violation of this section.

1 (B) The agency verifies that neither of the conditions set forth
2 in paragraph (1) or (2) of subdivision (a) exist.

3 (C) Neither the support obligor nor obligee objects, within 30
4 days of receipt of the notice of proposed adjustment, whether in
5 writing or by telephone, to the administrative adjustment by the
6 local child support agency.

7 (2) If either the support obligor or obligee objects to the
8 administrative adjustment set forth in this subdivision, the agency
9 shall not adjust the order, but shall file a motion with the court to
10 seek to adjust the arrears and shall serve copies of the motion on
11 the parties, who may file an objection to the agency's motion with
12 the court. The obligor's arrears shall not be adjusted unless the
13 court approves the adjustment.

14 (3) The agency may perform this adjustment without regard to
15 whether it was enforcing the child support order at the time the
16 parent owing support qualified for relief under this section.

17 (d) This section does not prohibit the local child support agency
18 or a party from petitioning a court for a determination of child
19 support or arrears amounts.

20 (e) For purposes of this section, the following definitions shall
21 apply:

22 (1) "Incarcerated or involuntarily institutionalized" includes,
23 but is not limited to, involuntary confinement to the state prison,
24 a county jail, a juvenile facility operated by the Division of Juvenile
25 Facilities in the Department of Corrections and Rehabilitation, or
26 a mental health facility.

27 (2) "Suspend" means that the payment due on the current child
28 support order, an arrears payment on a preexisting arrears balance,
29 or interest on arrears created during a qualifying period of
30 incarceration pursuant to this section is, by operation of law, set
31 to zero dollars (\$0) for the period in which the person owing
32 support is incarcerated or involuntarily institutionalized.

33 (f) This section applies to every money judgment or child
34 support order issued or modified on or after the enactment of this
35 section.

36 (g) A person who accrued child support arrears between July
37 1, 2011, and June 30, 2015, and who was eligible for an adjustment
38 of arrears pursuant to this section as it existed on June 30, 2015,
39 may petition the court for a reduction in arrears in accordance with
40 this section as it existed on June 30, 2015.

1 (h) The Department of Child Support Services shall, by January
2 1, 2016, and in consultation with the Judicial Council, develop
3 forms to implement this section.

4 (i) On or before January 1, 2019, the Department of Child
5 Support Services and the Judicial Council shall conduct an
6 evaluation of the effectiveness of the administrative adjustment
7 process authorized by this section and shall report the results of
8 the review, as well as any recommended changes, to the Assembly
9 Judiciary Committee and the Senate Judiciary Committee. The
10 evaluation shall include a review of the ease of the process to both
11 the obligor and obligee, as well as an analysis of the number of
12 cases administratively adjusted, the number of cases adjusted in
13 court, and the number of cases not adjusted.

14 (j) This section shall remain in effect only until January 1, 2020,
15 and as of that date is repealed, unless a later enacted statute, that
16 is enacted before January 1, 2020, deletes or extends that date.

17 ~~SEC. 8.~~

18 *SEC. 9.* Section 4014 of the Family Code is amended to read:

19 4014. (a) Any order for child support issued or modified
20 pursuant to this chapter shall include a provision requiring the
21 obligor and child support obligee to notify the other parent or, if
22 the order requires payment through an agency designated under
23 Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.),
24 the agency named in the order, of the name and address of his or
25 her current employer.

26 (b) The requirements set forth in this subdivision apply only in
27 cases in which the local child support agency is not providing child
28 support services pursuant to Section 17400. To the extent required
29 by federal law, and subject to applicable confidentiality provisions
30 of state or federal law, any judgment for paternity and any order
31 for child support entered or modified pursuant to any provision of
32 law shall include a provision requiring the child support obligor
33 and obligee to file with the court all of the following information:

34 (1) Residential and mailing address.

35 (2) Social security number.

36 (3) Telephone number.

37 (4) Driver's license number.

38 (5) Name, address, and telephone number of the employer.

39 (6) Any other information prescribed by the Judicial Council.

1 The judgment or order shall specify that each parent is
2 responsible for providing his or her own information, that the
3 information must be filed with the court within 10 days of the court
4 order, and that new or different information must be filed with the
5 court within 10 days after any event causing a change in the
6 previously provided information.

7 (c) The requirements set forth in this subdivision shall only
8 apply in cases in which the local child support agency is not
9 providing child support services pursuant to Section 17400. Once
10 the child support registry, as described in Section 17391 is
11 operational, any judgment for paternity and any order for child
12 support entered or modified pursuant to any provision of law shall
13 include a provision requiring the child support obligor and obligee
14 to file and keep updated the information specified in subdivision
15 (b) with the child support registry.

16 (d) The Judicial Council shall develop forms to implement this
17 section. The forms shall be developed so as not to delay the
18 implementation of the Statewide Child Support Registry described
19 in Section 17391 and shall be available no later than 30 days prior
20 to the implementation of the Statewide Child Support Registry.

21 ~~SEC. 9.~~

22 *SEC. 10.* Section 4052.5 of the Family Code is amended to
23 read:

24 4052.5. (a) The statewide uniform guideline, as required by
25 federal regulations, shall apply in any case in which a child has
26 more than two parents. The court shall apply the guideline by
27 dividing child support obligations among the parents based on
28 income and amount of time spent with the child by each parent,
29 pursuant to Section 4053.

30 (b) Consistent with federal regulations, after calculating the
31 amount of support owed by each parent under the guideline, the
32 presumption that the guideline amount of support is correct may
33 be rebutted if the court finds that the application of the guideline
34 in that case would be unjust or inappropriate due to special
35 circumstances, pursuant to Section 4057. If the court makes that
36 finding, the court shall divide child support obligations among the
37 parents in a manner that is just and appropriate based on income
38 and amount of time spent with the child by each parent, applying
39 the principles set forth in Section 4053 and this article.

(c) Nothing in this section shall be construed to require reprogramming of the California Child Support Enforcement System, a change to the statewide uniform guideline for determining child support set forth in Section 4055, or a revision by the Department of Child Support Services of its regulations, policies, procedures, forms, or training materials.

~~SEC. 10.~~

SEC. 11. Section 8714 of the Family Code is amended to read:

8714. (a) A person desiring to adopt a nondependent child may for that purpose file an adoption request in a county authorized by Section 8609.5. A person desiring to adopt a child who has been adjudged to be a dependent of the juvenile court pursuant to Section 300 of the Welfare and Institutions Code, freed for adoption by the juvenile court, and placed for adoption with the petitioner, may file the adoption request either in the county where the petitioner resides or in the county where the child was freed for adoption.

(b) The court clerk shall immediately notify the department at Sacramento in writing of the pendency of the proceeding and of any subsequent action taken.

(c) If the petitioner has entered into a postadoption contact agreement with the birth parent as set forth in Section 8616.5, the agreement, signed by the participating parties, shall be attached to and filed with the petition for adoption under subdivision (a).

(d) The caption of the adoption petition shall contain the names of the petitioners, but not the child's name. The petition shall state the child's sex and date of birth. The name the child had before adoption shall appear in the joinder signed by the licensed adoption agency.

(e) If the child is the subject of a guardianship petition, the adoption petition shall so state and shall include the caption and docket number or have attached a copy of the letters of the guardianship or temporary guardianship. The petitioners shall notify the court of any petition for guardianship or temporary guardianship filed after the adoption petition. The guardianship proceeding shall be consolidated with the adoption proceeding.

(f) The order of adoption shall contain the child's adopted name, but not the name the child had before adoption.

~~SEC. 11.~~

SEC. 12. Section 17212 of the Family Code is amended to read:

17212. (a) It is the intent of the Legislature to protect individual rights of privacy, and to facilitate and enhance the effectiveness of the child and spousal support enforcement program, by ensuring the confidentiality of support enforcement and child abduction records, and to thereby encourage the full and frank disclosure of information relevant to all of the following:

(1) The establishment or maintenance of parent and child relationships and support obligations.

(2) The enforcement of the child support liability of absent parents.

(3) The enforcement of spousal support liability of the spouse or former spouse to the extent required by the state plan under Section 17604 and Part 6 (commencing with Section 5700.101) of Division 9.

(4) The location of absent parents.

(5) The location of parents and children abducted, concealed, or detained by them.

(b) (1) Except as provided in subdivision (c), all files, applications, papers, documents, and records established or maintained by any public entity pursuant to the administration and implementation of the child and spousal support enforcement program established pursuant to Part D (commencing with Section 651) of Subchapter IV of Chapter 7 of Title 42 of the United States Code and this division, shall be confidential, and shall not be open to examination or released for disclosure for any purpose not directly connected with the administration of the child and spousal support enforcement program. No public entity shall disclose any file, application, paper, document, or record, or the information contained therein, except as expressly authorized by this section.

(2) In no case shall information be released or the whereabouts of one party or the child disclosed to another party, or to the attorney of any other party, if a protective order has been issued by a court or administrative agency with respect to the party, a good cause claim under Section 11477.04 of the Welfare and Institutions Code has been approved or is pending, or the public agency responsible for establishing paternity or enforcing support has reason to believe that the release of the information may result

1 in physical or emotional harm to the party or the child. When a
2 local child support agency is prohibited from releasing information
3 pursuant to this subdivision, the information shall be omitted from
4 any pleading or document to be submitted to the court and this
5 subdivision shall be cited in the pleading or other document as the
6 authority for the omission. The information shall be released only
7 upon an order of the court pursuant to paragraph (6) of subdivision
8 (c).

9 (3) Notwithstanding any other law, a proof of service filed by
10 the local child support agency shall not disclose the address where
11 service of process was accomplished. Instead, the local child
12 support agency shall keep the address in its own records. The proof
13 of service shall specify that the address is on record at the local
14 child support agency and that the address may be released only
15 upon an order from the court pursuant to paragraph (6) of
16 subdivision (c). The local child support agency shall, upon request
17 by a party served, release to that person the address where service
18 was effected.

19 (c) Disclosure of the information described in subdivision (b)
20 is authorized as follows:

21 (1) All files, applications, papers, documents, and records as
22 described in subdivision (b) shall be available and may be used
23 by a public entity for all administrative, civil, or criminal
24 investigations, actions, proceedings, or prosecutions conducted in
25 connection with the administration of the child and spousal support
26 enforcement program approved under Part D (commencing with
27 Section 651) of Subchapter IV of Chapter 7 of Title 42 of the
28 United States Code and to the county welfare department
29 responsible for administering a program operated under a state
30 plan pursuant to Part A, Subpart 1 or 2 of Part B, or Part E of
31 Subchapter IV of Chapter 7 of Title 42 of the United States Code.

32 (2) A document requested by a person who wrote, prepared, or
33 furnished the document may be examined by or disclosed to that
34 person or his or her designee.

35 (3) The payment history of an obligor pursuant to a support
36 order may be examined by or released to the court, the obligor, or
37 the person on whose behalf enforcement actions are being taken
38 or that person's designee.

1 (4) An income and expense declaration of either parent may be
2 released to the other parent for the purpose of establishing or
3 modifying a support order.

4 (5) Public records subject to disclosure under the California
5 Public Records Act (Chapter 3.5 (commencing with Section 6250)
6 of Division 7 of Title 1 of the Government Code) may be released.

7 (6) After a noticed motion and a finding by the court, in a case
8 in which establishment or enforcement actions are being taken,
9 that release or disclosure to the obligor or obligee is required by
10 due process of law, the court may order a public entity that
11 possesses an application, paper, document, or record as described
12 in subdivision (b) to make that item available to the obligor or
13 obligee for examination or copying, or to disclose to the obligor
14 or obligee the contents of that item. Article 9 (commencing with
15 Section 1040) of Chapter 4 of Division 8 of the Evidence Code
16 shall not be applicable to proceedings under this part. At any
17 hearing of a motion filed pursuant to this section, the court shall
18 inquire of the local child support agency and the parties appearing
19 at the hearing if there is reason to believe that release of the
20 requested information may result in physical or emotional harm
21 to a party. If the court determines that harm may occur, the court
22 shall issue any protective orders or injunctive orders restricting
23 the use and disclosure of the information as are necessary to protect
24 the individuals.

25 (7) To the extent not prohibited by federal law or regulation,
26 information indicating the existence or imminent threat of a crime
27 against a child, or location of a concealed, detained, or abducted
28 child or the location of the concealing, detaining, or abducting
29 person, may be disclosed to any district attorney, any appropriate
30 law enforcement agency, or to any state or county child protective
31 agency, or may be used in any judicial proceedings to prosecute
32 that crime or to protect the child.

33 (8) The social security number, most recent address, and the
34 place of employment of the absent parent may be released to an
35 authorized person as defined in Section 653(c) of Title 42 of the
36 United States Code, only if the authorized person has filed a request
37 for the information, and only if the information has been provided
38 to the California Parent Locator Service by the federal Parent
39 Locator Service pursuant to Section 653 of Title 42 of the United
40 States Code.

(9) A parent's or relative's name, social security number, most recent address, telephone number, place of employment, or other contact information may be released to a county child welfare agency or county probation department pursuant to subdivision (c) of Section 17506.

(d) (1) "Administration and implementation of the child and spousal support enforcement program," as used in this division, means the carrying out of the state and local plans for establishing, modifying, and enforcing child support obligations, enforcing spousal support orders, and determining paternity pursuant to Part D (commencing with Section 651) of Subchapter IV of Chapter 7 of Title 42 of the United States Code and this article.

(2) For purposes of this division, "obligor" means any person owing a duty of support.

(3) As used in this division, "putative parent" shall refer to any person reasonably believed to be the parent of a child for whom the local child support agency is attempting to establish paternity or establish, modify, or enforce support pursuant to Section 17400.

(e) Any person who willfully, knowingly, and intentionally violates this section is guilty of a misdemeanor.

(f) Nothing in this section shall be construed to compel the disclosure of information relating to a deserting parent who is a recipient of aid under a public assistance program for which federal aid is paid to this state, if that information is required to be kept confidential by the federal law or regulations relating to the program.

~~SEC. 12.~~

SEC. 13. Section 17306 of the Family Code is amended to read:

17306. (a) The Legislature finds and declares all of the following:

(1) While the State Department of Social Services has had statutory authority over the child support system, the locally elected district attorneys have operated their county programs with a great deal of autonomy.

(2) District attorneys have operated the child support programs with different forms, ~~procedures~~ *procedures*, and priorities, making it difficult to adequately evaluate and modify performance statewide.

1 (3) Problems collecting child support reflect a fundamental lack
2 of leadership and accountability in the collection program. These
3 management problems have cost California taxpayers and families
4 billions of dollars.

5 (b) The director shall develop uniform forms, ~~policies~~ *policies*,
6 and procedures to be employed statewide by all local child support
7 agencies. Pursuant to this subdivision, the director shall:

8 (1) Adopt uniform procedures and forms.

9 (2) Establish standard caseworker to case staffing ratios, adjusted
10 as appropriate to meet the varying needs of local programs.

11 (3) Establish standard attorney to caseworker ratios, adjusted
12 as appropriate to meet the varying needs of local programs.

13 (4) Institute a consistent statewide policy on the appropriateness
14 of closing cases to ensure that, without relying solely on federal
15 minimum requirements, all cases are fully and pragmatically
16 pursued for collections prior to closing.

17 (5) Evaluate the best practices for the establishment,
18 enforcement, and collection of child support, for the purpose of
19 determining which practices should be implemented statewide in
20 an effort to improve performance by local child support agencies.
21 In evaluating the best practices, the director shall review existing
22 practices in better performing counties within California, as well
23 as practices implemented by other state Title IV-D programs
24 nationwide.

25 (6) Evaluate the best practices for the management of effective
26 child support enforcement operations for the purpose of
27 determining what management structure should be implemented
28 statewide in an effort to improve the establishment, enforcement,
29 and collection of child support by local child support agencies,
30 including an examination of the need for attorneys in management
31 level positions. In evaluating the best practices, the director shall
32 review existing practices in better performing counties within
33 California, as well as practices implemented by other state Title
34 IV-D programs nationwide.

35 (7) Set priorities for the use of specific enforcement mechanisms
36 for use by local child support agencies. As part of establishing
37 these priorities, the director shall set forth caseload processing
38 priorities to target enforcement efforts and services in a way that
39 will maximize collections and avoid welfare dependency.

1 (8) Develop uniform training protocols, require periodic training
2 of all child support staff, and conduct training sessions as
3 appropriate.

4 (9) Review and approve annual budgets submitted by the local
5 child support agencies to ensure each local child support agency
6 operates an effective and efficient program that complies with all
7 federal and state laws, regulations, and directives, including the
8 directive to hire sufficient staff.

9 (c) The director shall submit any forms intended for use in court
10 proceedings to the Judicial Council for approval at least six months
11 prior to the implementation of the use of the forms.

12 (d) In adopting the forms, policies, and procedures, the director
13 shall consult with appropriate organizations representing
14 stakeholders in California, such as the California State Association
15 of Counties, labor organizations, custodial and noncustodial parent
16 advocates, child support commissioners, family law facilitators,
17 and the appropriate committees of the Legislature.

18 (e) (1) (A) Notwithstanding the Administrative Procedure Act,
19 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division
20 3 of Title 2 of the Government Code, through December 31, 2007,
21 the department may implement the applicable provisions of this
22 division through child support services letters or similar instructions
23 from the director.

24 (B) The department shall adopt regulations implementing the
25 forms, policies, and procedures established pursuant to this section.
26 The director may delay implementation of any of these regulations
27 in any county for any time as the director deems necessary for the
28 smooth transition and efficient operation of a local child support
29 agency, but implementation shall not be delayed beyond the time
30 at which the transition to the new county department of child
31 support services is completed. The department may adopt
32 regulations to implement this division in accordance with the
33 Administrative Procedure Act. The adoption of any emergency
34 regulation filed with the Office of Administrative Law on or before
35 December 31, 2007, shall be deemed to be an emergency and
36 necessary for the immediate preservation of the public peace,
37 health, and safety or general welfare. These emergency regulations
38 shall remain in effect for no more than 180 days.

1 (2) It is the intent of the Legislature that the amendments to
2 paragraph (1) of this subdivision made by Assembly Bill 3032 of
3 the 2001–02 Regular Session shall be retroactive to June 30, 2002.

4 ~~SEC. 13.~~

5 *SEC. 14.* Article 4 (commencing with Section 17390) is added
6 to Chapter 1 of Division 17 of the Family Code, to read:

7
8 Article 4. Statewide Registry for Child Support
9

10 17390. (a) The Legislature finds and declares that there is no
11 single statewide database containing statistical data regarding child
12 support orders.

13 (b) The California Child Support Enforcement System or its
14 replacement may be utilized to provide a single statewide registry
15 of all child support orders in California, including orders for cases
16 under Title IV-D of the Social Security Act and all cases with child
17 support orders.

18 17391. (a) The department shall develop an implementation
19 plan for the Statewide Child Support Registry. The Statewide Child
20 Support Registry shall be operated by the agency responsible for
21 operation of the California Child Support Enforcement System or
22 its replacement. The Statewide Child Support Registry shall include
23 storage and data retrieval of the data elements specified in Section
24 17392 for all California child support orders. The Statewide Child
25 Support Registry will operate to ensure that all data in the
26 Statewide Child Support Registry can be accessed and integrated
27 for statistical analysis and reporting purposes with all child support
28 order data contained in the California Child Support Enforcement
29 System.

30 (b) Each clerk of the court shall provide the information
31 specified in Section 17392 within 20 days to the department or the
32 Statewide Child Support Registry from each new or modified child
33 support order, including child support arrearage orders.

34 (c) The department shall maintain a system for compiling the
35 child support data received from the clerks of the court, ensure
36 that all child support data received from the clerks of the court are
37 entered into the Statewide Child Support Registry within five
38 business days of receipt in the Statewide Child Support Registry,
39 and ensure that the Statewide Child Support Registry is fully
40 implemented statewide.

(d) The department shall provide aggregate data on a periodic basis on the data maintained by the Statewide Child Support Registry to the Judicial Council, the appropriate agencies of the executive branch, and the Legislature for statistical analysis and review. The data shall not include individual identifying information for specific cases.

(e) Any information maintained by the Statewide Child Support Registry received from clerks of the court shall be provided to local child support agencies, the courts, and others as provided by law.

17392. (a) The Judicial Council shall develop any forms that may be necessary to implement the Statewide Child Support Registry. The forms may be in electronic form or in ~~hard copy~~; *hardcopy*, as appropriate. The forms shall be developed so as not to delay implementation, and shall be available no later than 30 days prior to the implementation, of the Statewide Child Support Registry.

(b) The information transmitted from the clerks of the court to the Statewide Child Support Registry shall include all of the following:

(1) Any information required under federal law.

(2) Any other information the department and the Judicial Council find appropriate.

17393. The Judicial Council shall develop the forms necessary to implement this article.

~~SEC. 14.~~

SEC. 15. Section 17400 of the Family Code is amended to read:

17400. (a) Each county shall maintain a local child support agency, as specified in Section 17304, that shall have the responsibility for promptly and effectively establishing, modifying, and enforcing child support obligations, including medical support, enforcing spousal support orders established by a court of competent jurisdiction, and determining paternity in the case of a child born out of wedlock. The local child support agency shall take appropriate action, including criminal action in cooperation with the district attorneys, to establish, modify, and enforce child support and, if appropriate, enforce spousal support orders if the child is receiving public assistance, including Medi-Cal, and, if

1 requested, shall take the same actions on behalf of a child who is
2 not receiving public assistance, including Medi-Cal.

3 (b) (1) Notwithstanding Sections 25203 and 26529 of the
4 Government Code, attorneys employed within the local child
5 support agency may direct, control, and prosecute civil actions
6 and proceedings in the name of the county in support of child
7 support activities of the Department of Child Support Services and
8 the local child support agency.

9 (2) Notwithstanding any other law, and except for pleadings or
10 documents required to be signed under penalty of perjury, a local
11 child support agency may substitute original signatures with any
12 form of electronic signatures, including, but not limited to, typed,
13 digital, or facsimile images of signatures, digital signatures, or
14 other computer-generated signatures, on pleadings filed for the
15 purpose of establishing, modifying, or enforcing paternity, child
16 support, or medical support. Any substituted signature used by a
17 local child support agency shall have the same effect as an original
18 signature, including, but not limited to, the requirements of Section
19 128.7 of the Code of Civil Procedure.

20 (3) Notwithstanding any other law, effective July 1, 2016, a
21 local child support agency may electronically file pleadings signed
22 by an agent of the local child support agency under penalty of
23 perjury. An original signed pleading shall be executed prior to, or
24 on the same day as, the day of electronic filing. Original signed
25 pleadings shall be maintained by the local child support agency
26 for the period of time prescribed by subdivision (a) of Section
27 68152 of the Government Code. A local child support agency may
28 maintain the original signed pleading by way of an electronic copy
29 in the Statewide Automated Child Support System. The Judicial
30 Council, by July 1, 2016, shall develop rules to implement this
31 subdivision.

32 (c) Actions brought by the local child support agency to establish
33 paternity or child support or to enforce child support obligations
34 shall be completed within the time limits set forth by federal law.
35 The local child support agency's responsibility applies to spousal
36 support only if the spousal support obligation has been reduced to
37 an order of a court of competent jurisdiction. In any action brought
38 for modification or revocation of an order that is being enforced
39 under Title IV-D of the Social Security Act (42 U.S.C. Sec. 651
40 et seq.), the effective date of the modification or revocation shall

1 be as prescribed by federal law (42 U.S.C. Sec. 666(a)(9)), or any
2 subsequent date.

3 (d) (1) The Judicial Council, in consultation with the
4 department, the Senate Committee on Judiciary, the Assembly
5 Committee on Judiciary, and a legal services organization
6 providing representation on child support matters, shall develop
7 simplified summons, complaint, and answer forms for any action
8 for support brought pursuant to this section or Section 17404. The
9 Judicial Council may combine the summons and complaint in a
10 single form.

11 (2) The simplified complaint form shall provide notice of the
12 amount of child support that is sought pursuant to the guidelines
13 set forth in Article 2 (commencing with Section 4050) of Chapter
14 2 of Part 2 of Division 9 based upon the income or income history
15 of the support obligor as known to the local child support agency.
16 If the support obligor's income or income history is unknown to
17 the local child support agency, the complaint shall inform the
18 support obligor that income shall be presumed to be the amount
19 of the minimum wage, at 40 hours per week, established by the
20 Industrial Welfare Commission pursuant to Section 1182.11 of
21 the Labor Code unless information concerning the support obligor's
22 income is provided to the court. The complaint form shall be
23 accompanied by a proposed judgment. The complaint form shall
24 include a notice to the support obligor that the proposed judgment
25 will become effective if he or she fails to file an answer with the
26 court within 30 days of service. Except as provided in paragraph
27 (2) of subdivision (a) of Section 17402, if the proposed judgment
28 is entered by the court, the support order in the proposed judgment
29 shall be effective as of the first day of the month following the
30 filing of the complaint.

31 (3) (A) The simplified answer form shall be written in simple
32 English and shall permit a defendant to answer and raise defenses
33 by checking applicable boxes. The answer form shall include
34 instructions for completion of the form and instructions for proper
35 filing of the answer.

36 (B) The answer form shall be accompanied by a blank income
37 and expense declaration or simplified financial statement and
38 instructions on how to complete the financial forms. The answer
39 form shall direct the defendant to file the completed income and
40 expense declaration or simplified financial statement with the

1 answer, but shall state that the answer will be accepted by a court
2 without the income and expense declaration or simplified financial
3 statement.

4 (C) The clerk of the court shall accept and file answers, income
5 and expense declarations, and simplified financial statements that
6 are completed by hand provided they are legible.

7 (4) (A) The simplified complaint form prepared pursuant to
8 this subdivision shall be used by the local child support agency or
9 the Attorney General in all cases brought under this section or
10 Section 17404.

11 (B) The simplified answer form prepared pursuant to this
12 subdivision shall be served on all defendants with the simplified
13 complaint. Failure to serve the simplified answer form on all
14 defendants shall not invalidate any judgment obtained. However,
15 failure to serve the answer form may be used as evidence in any
16 proceeding under Section 17432 of this code or Section 473 of the
17 Code of Civil Procedure.

18 (C) The Judicial Council shall add language to the governmental
19 summons, for use by the local child support agency with the
20 governmental complaint to establish parental relationship and child
21 support, informing defendants that a blank answer form should
22 have been received with the summons and additional copies may
23 be obtained from either the local child support agency or the
24 superior court clerk.

25 (e) In any action brought or enforcement proceedings instituted
26 by the local child support agency pursuant to this section for
27 payment of child or spousal support, an action to recover an
28 arrearage in support payments may be maintained by the local
29 child support agency at any time within the period otherwise
30 specified for the enforcement of a support judgment,
31 notwithstanding the fact that the child has attained the age of
32 majority.

33 (f) The county shall undertake an outreach program to inform
34 the public that the services described in subdivisions (a) to (c),
35 inclusive, are available to persons not receiving public assistance.
36 There shall be prominently displayed in every public area of every
37 office of the agencies established by this section a notice, in clear
38 and simple language prescribed by the Director of Child Support
39 Services, that the services provided in subdivisions (a) to (c),

1 inclusive, are provided to all individuals, whether or not they are
2 recipients of public assistance.

3 (g) (1) In any action to establish a child support order brought
4 by the local child support agency in the performance of duties
5 under this section, the local child support agency may make a
6 motion for an order effective during the pendency of that action,
7 for the support, maintenance, and education of the child or children
8 that are the subject of the action. This order shall be referred to as
9 an order for temporary support. This order has the same force and
10 effect as a like or similar order under this code.

11 (2) The local child support agency shall file a motion for an
12 order for temporary support within the following time limits:

13 (A) If the defendant is the mother, a presumed father under
14 Section 7611, or any father if the child is at least six months old
15 when the defendant files his or her answer, the time limit is 90
16 days after the defendant files an answer.

17 (B) In any other case in which the defendant has filed an answer
18 prior to the birth of the child or not more than six months after the
19 birth of the child, then the time limit is nine months after the birth
20 of the child.

21 (3) If more than one child is the subject of the action, the
22 limitation on reimbursement shall apply only as to those children
23 whose parental relationship and age would bar recovery were a
24 separate action brought for support of that child or those children.

25 (4) If the local child support agency fails to file a motion for an
26 order for temporary support within the time limits specified in this
27 section, the local child support agency shall be barred from
28 obtaining a judgment of reimbursement for any support provided
29 for that child during the period between the date the time limit
30 expired and the date the motion was filed, or, if no motion is filed,
31 when a final judgment is entered.

32 (5) Except as provided in Section 17304, nothing in this section
33 prohibits the local child support agency from entering into
34 cooperative arrangements with other county departments as
35 necessary to carry out the responsibilities imposed by this section
36 pursuant to plans of cooperation with the departments approved
37 by the Department of Child Support Services.

38 (6) Nothing in this section otherwise limits the ability of the
39 local child support agency from securing and enforcing orders for

1 support of a spouse or former spouse as authorized under any other
2 law.

3 (h) As used in this article, “enforcing obligations” includes, but
4 is not limited to, all of the following:

5 (1) The use of all interception and notification systems operated
6 by the department for the purpose of aiding in the enforcement of
7 support obligations.

8 (2) The obtaining by the local child support agency of an initial
9 order for child support that may include medical support or that
10 is for medical support only, by civil or criminal process.

11 (3) The initiation of a motion or order to show cause to increase
12 an existing child support order, and the response to a motion or
13 order to show cause brought by an obligor parent to decrease an
14 existing child support order, or the initiation of a motion or order
15 to show cause to obtain an order for medical support, and the
16 response to a motion or order to show cause brought by an obligor
17 parent to decrease or terminate an existing medical support order,
18 without regard to whether the child is receiving public assistance.

19 (4) The response to a notice of motion or order to show cause
20 brought by an obligor parent to decrease an existing spousal support
21 order if the child or children are residing with the obligee parent
22 and the local child support agency is also enforcing a related child
23 support obligation owed to the obligee parent by the same obligor.

24 (5) The referral of child support delinquencies to the department
25 under subdivision (c) of Section 17500 in support of the local child
26 support agency.

27 (i) As used in this section, “out of wedlock” means that the
28 biological parents of the child were not married to each other at
29 the time of the child’s conception.

30 (j) (1) The local child support agency is the public agency
31 responsible for administering wage withholding for current support
32 for the purposes of Title IV-D of the Social Security Act (42 U.S.C.
33 Sec. 651 et seq.).

34 (2) Nothing in this section limits the authority of the local child
35 support agency granted by other sections of this code or otherwise
36 granted by law.

37 (k) In the exercise of the authority granted under this article,
38 the local child support agency may intervene, pursuant to
39 subdivision (b) of Section 387 of the Code of Civil Procedure, by
40 ex parte application, in any action under this code, or other

1 proceeding in which child support is an issue or a reduction in
2 spousal support is sought. By notice of motion, order to show
3 cause, or responsive pleading served upon all parties to the action,
4 the local child support agency may request any relief that is
5 appropriate that the local child support agency is authorized to
6 seek.

7 (l) The local child support agency shall comply with all
8 regulations and directives established by the department that set
9 time standards for responding to requests for assistance in locating
10 noncustodial parents, establishing paternity, establishing child
11 support awards, and collecting child support payments.

12 (m) As used in this article, medical support activities that the
13 local child support agency is authorized to perform are limited to
14 the following:

15 (1) The obtaining and enforcing of court orders for health
16 insurance coverage.

17 (2) Any other medical support activity mandated by federal law
18 or regulation.

19 (n) (1) Notwithstanding any other law, venue for an action or
20 proceeding under this division shall be determined as follows:

21 (A) Venue shall be in the superior court in the county that is
22 currently expending public assistance.

23 (B) If public assistance is not currently being expended, venue
24 shall be in the superior court in the county where the child who is
25 entitled to current support resides or is domiciled.

26 (C) If current support is no longer payable through, or
27 enforceable by, the local child support agency, venue shall be in
28 the superior court in the county that last provided public assistance
29 for actions to enforce arrearages assigned pursuant to Section
30 11477 of the Welfare and Institutions Code.

31 (D) If subparagraphs (A), (B), and (C) do not apply, venue shall
32 be in the superior court in the county of residence of the support
33 obligee.

34 (E) If the support obligee does not reside in California, and
35 subparagraphs (A), (B), (C), and (D) do not apply, venue shall be
36 in the superior court of the county of residence of the obligor.

37 (2) Notwithstanding paragraph (1), if the child becomes a
38 resident of another county after an action under this part has been
39 filed, venue may remain in the county where the action was filed
40 until the action is completed.

1 (o) The local child support agency of one county may appear
2 on behalf of the local child support agency of any other county in
3 an action or proceeding under this part.

4 ~~SEC. 15.~~

5 *SEC. 16.* Section 17434 of the Family Code is amended to
6 read:

7 17434. (a) The department shall publish a booklet describing
8 the proper procedures and processes for the collection and payment
9 of child and spousal support. The booklet shall be written in
10 language understandable to the lay person and shall direct the
11 reader to obtain the assistance of the local child support agency,
12 the family law facilitator, or legal counsel where appropriate. The
13 department may contract on a competitive basis with an
14 organization or individual to write the booklet.

15 (b) The department shall have primary responsibility for the
16 design and development of the contents of the booklet. The
17 department shall solicit comment regarding the content of the
18 booklet from the Director of the Administrative Office of the
19 Courts. The department shall verify the appropriateness and
20 accuracy of the contents of the booklet with at least one
21 representative of each of the following organizations:

22 (1) A local child support agency.

23 (2) The State Attorney General's office.

24 (3) A community organization that advocates for the rights of
25 custodial parents.

26 (4) A community organization that advocates for the rights of
27 supporting parents.

28 (c) Upon receipt of booklets on support collection, each county
29 welfare department shall provide a copy to each head of household
30 whose application for public assistance under Division 9
31 (commencing with Section 10000) of the Welfare and Institutions
32 Code has been approved and for whom support rights have been
33 assigned pursuant to Section 11477 of the Welfare and Institutions
34 Code. The department shall provide copies of the booklet to local
35 child support agencies for distribution, and to any person upon
36 request. The department shall also distribute the booklets to all
37 superior courts. Upon receipt of those booklets, each clerk of the
38 court shall provide two copies of the booklet to the petitioner or
39 plaintiff in any action involving the support of a minor child. The

1 moving party shall serve a copy of the booklet on the responding
2 party.

3 (d) The department shall expand the information provided under
4 its toll-free information hotline in response to inquiries regarding
5 the process and procedures for collection and payment of child
6 and spousal support. This toll-free number shall be advertised as
7 providing information on child and spousal support. The hotline
8 personnel shall not provide legal consultation or advice, but shall
9 provide only referral services.

10 (e) The department shall maintain a file of referral sources to
11 provide callers to the telephone hotline with the following
12 information specific to the county in which the caller resides:

13 (1) The location and telephone number of the local child support
14 agency, the county welfare office, the family law facilitator, and
15 any other government agency that handles child and spousal
16 support matters.

17 (2) The telephone number of the local bar association for referral
18 to attorneys in family law practice.

19 (3) The name and telephone number of at least one organization
20 that advocates the payment of child and spousal support or the
21 name and telephone number of at least one organization that
22 advocates the rights of supporting parents, if these organizations
23 exist in the county.

24 ~~SEC. 16.~~

25 *SEC. 17.* Section 17450 of the Family Code is amended to
26 read:

27 17450. (a) For purposes of this article:

28 (1) “Child support delinquency” means a delinquency defined
29 in subdivision (c) of Section 17500.

30 (2) “Earnings” shall include the items described in Section 5206.

31 (b) (1) When a delinquency is submitted to the department
32 pursuant to subdivision (c) of Section 17500, the amount of the
33 child support delinquency shall be collected by the department in
34 any manner authorized under state or federal law.

35 (2) Any compensation, fee, commission, expense, or any other
36 fee for service incurred by the department in the collection of a
37 child support delinquency authorized under this article shall not
38 be an obligation of, or collected from, the obligated parent.

39 (c) (1) The department may return or allow a local child support
40 agency to retain a child support delinquency for a specified purpose

1 for collection where the department determines that the return or
2 retention of the delinquency for the purpose so specified will
3 enhance the collectibility of the delinquency. The department shall
4 establish a process whereby a local child support agency may
5 request and shall be allowed to withdraw, rescind, or otherwise
6 recall the submittal of an account that has been submitted.

7 (2) If an obligor is disabled, meets the federal Supplemental
8 Security Income resource test, and is receiving Supplemental
9 Security Income/State Supplementary Payments (SSI/SSP), or,
10 but for excess income as described in Section 416.1100 and
11 following of Part 416 of Title 20 of the Code of Federal
12 Regulations, would be eligible to receive as SSI/SSP, pursuant to
13 Section 12200 of the Welfare and Institutions Code, and the obligor
14 has supplied the local child support agency with proof of his or
15 her eligibility for, and, if applicable, receipt of, SSI/SSP or Social
16 Security Disability Insurance benefits, then the child support
17 delinquency shall not be referred to the department for collection,
18 and, if referred, shall be withdrawn, rescinded, or otherwise recalled
19 from the department by the local child support agency. The
20 department shall not take any collection action, or if the local child
21 support agency has already taken collection action, shall cease
22 collection actions in the case of a disabled obligor when the
23 delinquency is withdrawn, rescinded, or otherwise recalled by the
24 local child support agency in accordance with the process
25 established as described in paragraph (1).

26 (d) It is the intent of the Legislature that when the California
27 Child Support Enforcement System (CSE) is fully operational,
28 any statutes that should be modified based upon the status of the
29 system shall be revised. During the development and
30 implementation of CSE, the department, as the Title IV-D agency,
31 may, through appropriate interagency agreement, delegate any and
32 all of the functions or procedures specified in this article to the
33 Franchise Tax Board. The Franchise Tax Board shall perform those
34 functions or procedures as specified in Sections 19271 to 19275,
35 inclusive, of the Revenue and Taxation Code until such time as
36 the director, by letter to the executive officer of the Franchise Tax
37 Board, revokes such delegation of Title IV-D functions. Sections
38 19271 to 19275, inclusive, of the Revenue and Taxation Code shall
39 be effective for these purposes until the revocation of delegation
40 to the Franchise Tax Board.

(e) Consistent with the development and implementation of the California Child Support Enforcement System, the Franchise Tax Board and the department shall enter into a letter of agreement and an interagency agreement whereby the department shall assume responsibility for collection of child support delinquencies and the Financial Institution Data Match System as set forth in this article. The letter of agreement and interagency agreement shall, at a minimum, set forth all of the following:

(1) Contingent upon the enactment of the Budget Act, and staffing authorization from the Department of Finance and the Department of Human Resources, the department shall assume responsibility for leadership and staffing of the collection of child support delinquencies and the Financial Institution Data Match System.

(2) All employees and other personnel who staff or provide support for the collection of child support delinquencies and the Financial Institution Data Match System at the Franchise Tax Board shall become the employees of the department at their existing or equivalent classification, salaries, and benefits.

(3) Any other provisions necessary to ensure continuity of function and meet or exceed existing levels of service, including, but not limited to, agreements for continued use of automated systems used by the Franchise Tax Board to locate child support obligors and their assets.

~~SEC. 17.~~

SEC. 18. Section 17458 of the Family Code is repealed.

~~SEC. 18.~~

SEC. 19. Section 17460 of the Family Code is amended to read:

17460. (a) As necessary, the department shall seek reciprocal agreements with other states to improve its ability to collect child support payments from out-of-state obligated parents on behalf of custodial parents residing in California. The department may pursue agreements with the Internal Revenue Service, as permitted by federal law, to improve collections of child support delinquencies from out-of-state obligated parents through cooperative agreements with the service.

(b) The California Child Support Enforcement System shall, for purposes of this article, include the capacity to interface and exchange information, if feasible, with the Internal Revenue

1 Service, to enable the immediate reporting and tracking of obligated
2 parent information.

3 (c) The department shall enter into any interagency agreements
4 that are necessary for the implementation of this article. State
5 departments and boards shall cooperate with the department to the
6 extent necessary for the implementation of this article. Out of any
7 money received from the federal government for the purpose of
8 reimbursing state departments and boards for their actual and
9 reasonable costs incurred in complying with this section, the
10 department shall reimburse those departments and boards. To the
11 extent that money is not provided by the federal government for
12 that purpose, and subject to the annual Budget Act, the state shall
13 fund departments and boards for their costs in complying with this
14 section.

15 ~~SEC. 19.~~

16 *SEC. 20.* Section 17504.1 is added to the Family Code, to read:

17 17504.1. On a monthly basis, the local child support agency
18 shall provide to any CalWORKs recipient or former recipient for
19 whom an assignment pursuant to subdivision (a) of Section 11477
20 of the Welfare and Institutions Code is currently effective, a notice
21 of the amount of assigned support payments made on behalf of
22 the recipient or former recipient or any other family member for
23 whom public assistance is received.

24 ~~SEC. 20.~~

25 *SEC. 21.* Section 17506 of the Family Code is amended to
26 read:

27 17506. (a) There is in the department a California Parent
28 Locator Service and Central Registry that shall collect and
29 disseminate all of the following, with respect to any parent, putative
30 parent, spouse, or former spouse:

31 (1) The full and true name of the parent together with any known
32 aliases.

33 (2) Date and place of birth.

34 (3) Physical description.

35 (4) Social security number.

36 (5) Employment history and earnings.

37 (6) Military status and Veterans Administration or military
38 service serial number.

39 (7) Last known address, telephone number, and date thereof.

1 (8) Driver's license number, driving record, and vehicle
2 registration information.

3 (9) Criminal, licensing, and applicant records and information.

4 (10) (A) Any additional location, asset, and income information,
5 including income tax return information obtained pursuant to
6 Section 19548 of the Revenue and Taxation Code, and to the extent
7 permitted by federal law, the address, telephone number, and social
8 security number obtained from a public utility, cable television
9 corporation, a provider of electronic digital pager communication,
10 or a provider of mobile telephony services that may be of assistance
11 in locating the parent, putative parent, abducting, concealing, or
12 detaining parent, spouse, or former spouse, in establishing a parent
13 and child relationship, in enforcing the child support liability of
14 the absent parent, or enforcing the spousal support liability of the
15 spouse or former spouse to the extent required by the state plan
16 pursuant to Section 17604.

17 (B) For purposes of this subdivision, "income tax return
18 information" means all of the following regarding the taxpayer:

- 19 (i) Assets.
- 20 (ii) Credits.
- 21 (iii) Deductions.
- 22 (iv) Exemptions.
- 23 (v) Identity.
- 24 (vi) Liabilities.
- 25 (vii) Nature, source, and amount of income.
- 26 (viii) Net worth.
- 27 (ix) Payments.
- 28 (x) Receipts.
- 29 (xi) Address.
- 30 (xii) Social security number.

31 (b) Pursuant to a letter of agreement entered into between the
32 Department of Child Support Services and the Department of
33 Justice, the Department of Child Support Services shall assume
34 responsibility for the California Parent Locator Service and Central
35 Registry. The letter of agreement shall, at a minimum, set forth all
36 of the following:

37 (1) Contingent upon funding in the Budget Act, the Department
38 of Child Support Services shall assume responsibility for leadership
39 and staff of the California Parent Locator Service and Central
40 Registry commencing July 1, 2003.

1 (2) All employees and other personnel who staff or provide
2 support for the California Parent Locator Service and Central
3 Registry shall, at the time of the transition, at their option, become
4 the employees of the Department of Child Support Services at
5 their existing or equivalent classification, salaries, and benefits.

6 (3) Until the department's automation system for the California
7 Parent Locator Service and Central Registry functions is fully
8 operational, the department shall use the automation system
9 operated by the Department of Justice.

10 (4) Any other provisions necessary to ensure continuity of
11 function and meet or exceed existing levels of service.

12 (c) To effectuate the purposes of this section, the California
13 Child Support Enforcement System and the California Parent
14 Locator Service and Central Registry shall utilize the federal Parent
15 Locator Service to the extent necessary, and may request and shall
16 receive from all departments, boards, bureaus, or other agencies
17 of the state, or any of its political subdivisions, and those entities
18 shall provide, that assistance and data that will enable the
19 Department of Child Support Services and other public agencies
20 to carry out their powers and duties to locate parents, spouses, and
21 former spouses, and to identify their assets, to establish parent-child
22 relationships, and to enforce liability for child or spousal support,
23 and for any other obligations incurred on behalf of children, and
24 shall also provide that information to any local child support agency
25 in fulfilling the duties prescribed in Section 270 of the Penal Code,
26 and in Chapter 8 (commencing with Section 3130) of Part 2 of
27 Division 8 of this code, relating to abducted, concealed, or detained
28 children and to any county child welfare agency or county
29 probation department in fulfilling the duties prescribed in Article
30 5.5 (commencing with Section 290.1) of Chapter 2 of Part 1 of
31 Division 2 of the Welfare and Institutions Code, and prescribed
32 in Article 6 (commencing with Section 300) of Chapter 2 of Part
33 1 of Division 2 of the Welfare and Institutions Code to identify,
34 locate, and notify parents or relatives of children who are the
35 subject of juvenile court proceedings, to establish parent and child
36 relationships pursuant to Section 316.2 of the Welfare and
37 Institutions Code, and to assess the appropriateness of placement
38 of a child with a noncustodial parent pursuant to Section 361.2 of
39 the Welfare and Institutions Code. Consistent with paragraph (1)
40 of subdivision (e) of Section 309 of, and paragraph (2) of

1 subdivision (d) of Section 628 of, the Welfare and Institutions
2 Code, in order for county child welfare and probation departments
3 to carry out their duties to identify and locate all grandparents,
4 adult siblings, and other adult relatives of the child as defined in
5 paragraph (2) of subdivision (f) of Section 319 of the Welfare and
6 Institutions Code, including any other adult relatives suggested by
7 the parents, county personnel are permitted to request and receive
8 information from the California Parent Locator Service and Federal
9 Parent Locator Service. County child welfare agencies and
10 probation departments shall be entitled to the information described
11 in this subdivision regardless of whether an all-county letter or
12 similar instruction is issued pursuant to subparagraph (C) of
13 paragraph (8) of subdivision (c) of Section 11478.1 of the Welfare
14 and Institutions Code. The California Child Support Enforcement
15 System shall be entitled to the same cooperation and information
16 as the California Parent Locator Service and Central Registry to
17 the extent allowed by law. The California Child Support
18 Enforcement System shall be allowed access to criminal record
19 information only to the extent that access is allowed by state and
20 federal law.

21 (d) (1) To effectuate the purposes of this section, and
22 notwithstanding any other law, regulation, or tariff, and to the
23 extent permitted by federal law, the California Parent Locator
24 Service and Central Registry and the California Child Support
25 Enforcement System may request and shall receive from public
26 utilities, as defined in Section 216 of the Public Utilities Code,
27 customer service information, including the full name, address,
28 telephone number, date of birth, employer name and address, and
29 social security number of customers of the public utility, to the
30 extent that this information is stored within the computer database
31 of the public utility.

32 (2) To effectuate the purposes of this section, and
33 notwithstanding any other law, regulation, or tariff, and to the
34 extent permitted by federal law, the California Parent Locator
35 Service and Central Registry and the California Child Support
36 Enforcement System may request and shall receive from cable
37 television corporations, as defined in Section 216.4 of the Public
38 Utilities Code, the providers of electronic digital pager
39 communication, as defined in Section 629.51 of the Penal Code,
40 and the providers of mobile telephony services, as defined in

1 Section 224.4 of the Public Utilities Code, customer service
2 information, including the full name, address, telephone number,
3 date of birth, employer name and address, and social security
4 number of customers of the cable television corporation, customers
5 of the providers of electronic digital pager communication, and
6 customers of the providers of mobile telephony services.

7 (3) In order to protect the privacy of utility, cable television,
8 electronic digital pager communication, and mobile telephony
9 service customers, a request to a public utility, cable television
10 corporation, provider of electronic digital pager communication,
11 or provider of mobile telephony services for customer service
12 information pursuant to this section shall meet the following
13 requirements:

14 (A) Be submitted to the public utility, cable television
15 corporation, provider of electronic digital pager communication,
16 or provider of mobile telephony services in writing, on a transmittal
17 document prepared by the California Parent Locator Service and
18 Central Registry or the California Child Support Enforcement
19 System and approved by all of the public utilities, cable television
20 corporations, providers of electronic digital pager communication,
21 and providers of mobile telephony services. The transmittal shall
22 be deemed to be an administrative subpoena for customer service
23 information.

24 (B) Have the signature of a representative authorized by the
25 California Parent Locator Service and Central Registry or the
26 California Child Support Enforcement System.

27 (C) Contain at least three of the following data elements
28 regarding the person sought:

29 (i) First and last name, and middle initial, if known.

30 (ii) Social security number.

31 (iii) Driver's license number.

32 (iv) Birth date.

33 (v) Last known address.

34 (vi) Spouse's name.

35 (D) The California Parent Locator Service and Central Registry
36 and the California Child Support Enforcement System shall ensure
37 that each public utility, cable television corporation, provider of
38 electronic digital pager communication services, and provider of
39 mobile telephony services has at all times a current list of the names
40 of persons authorized to request customer service information.

1 (E) The California Child Support Enforcement System and the
2 California Parent Locator Service and Central Registry shall ensure
3 that customer service information supplied by a public utility, cable
4 television corporation, provider of electronic digital pager
5 communication, or provider of mobile telephony services is
6 applicable to the person who is being sought before releasing the
7 information pursuant to subdivision (d).

8 (4) During the development of the California Child Support
9 Enforcement System, the department shall determine the necessity
10 of additional locate sources, including those specified in this
11 section, based upon the cost-effectiveness of those sources.

12 (5) The public utility, cable television corporation, electronic
13 digital pager communication provider, or mobile telephony service
14 provider may charge a fee to the California Parent Locator Service
15 and Central Registry or the California Child Support Enforcement
16 System for each search performed pursuant to this subdivision to
17 cover the actual costs to the public utility, cable television
18 corporation, electronic digital pager communication provider, or
19 mobile telephony service provider for providing this information.

20 (6) No public utility, cable television corporation, electronic
21 digital pager communication provider, or mobile telephony service
22 provider or official or employee thereof, shall be subject to criminal
23 or civil liability for the release of customer service information as
24 authorized by this subdivision.

25 (e) Notwithstanding Section 14203 of the Penal Code, any
26 records established pursuant to this section shall be disseminated
27 only to the Department of Child Support Services, the California
28 Child Support Enforcement System, the California Parent Locator
29 Service and Central Registry, the parent locator services and central
30 registries of other states as defined by federal statutes and
31 regulations, a local child support agency of any county in this state,
32 and the federal Parent Locator Service. The California Child
33 Support Enforcement System shall be allowed access to criminal
34 offender record information only to the extent that access is allowed
35 by law.

36 (f) (1) At no time shall any information received by the
37 California Parent Locator Service and Central Registry or by the
38 California Child Support Enforcement System be disclosed to any
39 person, agency, or other entity, other than those persons, agencies,

1 and entities specified pursuant to Section 17505, this section, or
2 any other provision.

3 (2) This subdivision shall not otherwise affect discovery between
4 parties in any action to establish, modify, or enforce child, family,
5 or spousal support, that relates to custody or visitation.

6 (g) (1) The Department of Justice, in consultation with the
7 Department of Child Support Services, shall promulgate rules and
8 regulations to facilitate maximum and efficient use of the California
9 Parent Locator Service and Central Registry. Upon implementation
10 of the California Child Support Enforcement System, the
11 Department of Child Support Services shall assume all
12 responsibility for promulgating rules and regulations for use of
13 the California Parent Locator Service and Central Registry.

14 (2) The Department of Child Support Services, the Public
15 Utilities Commission, the cable television corporations, providers
16 of electronic digital pager communication, and the providers of
17 mobile telephony services shall develop procedures for obtaining
18 the information described in subdivision (c) from public utilities,
19 cable television corporations, providers of electronic digital pager
20 communication, and providers of mobile telephony services and
21 for compensating the public utilities, cable television corporations,
22 providers of electronic digital pager communication, and providers
23 of mobile telephony services for providing that information.

24 (h) The California Parent Locator Service and Central Registry
25 may charge a fee not to exceed eighteen dollars (\$18) for any
26 service it provides pursuant to this section that is not performed
27 or funded pursuant to Section 651 and following of Title 42 of the
28 United States Code.

29 (i) This section shall be construed in a manner consistent with
30 the other provisions of this article.

31 ~~SEC. 21.~~

32 *SEC. 22.* Section 17508 of the Family Code is amended to
33 read:

34 17508. (a) The Employment Development Department shall,
35 when requested by the Department of Child Support Services local
36 child support agency, the federal Parent Locator Service, or the
37 California Parent Locator Service, provide access to information
38 collected pursuant to Division 1 (commencing with Section 100)
39 of the Unemployment Insurance Code to the requesting department
40 or agency for purposes of administering the child support

1 enforcement program, and for purposes of verifying employment
2 of applicants and recipients of aid under this chapter or CalFresh
3 under Chapter 10 (commencing with Section 18900) of Part 6 of
4 Division 9 of the Welfare and Institutions Code.

5 (b) (1) To the extent possible, the Employment Development
6 Department shall share information collected under Sections 1088.5
7 and 1088.8 of the Unemployment Insurance Code immediately
8 upon receipt. This sharing of information may include electronic
9 means.

10 (2) This subdivision shall not authorize the Employment
11 Development Department to share confidential information with
12 any individuals not otherwise permitted by law to receive the
13 information or preclude batch runs or comparisons of data.

14 ~~SEC. 22.~~

15 *SEC. 23.* Section 17522.5 of the Family Code is amended to
16 read:

17 17522.5. (a) Notwithstanding Section 8112 of the Commercial
18 Code and Section 700.130 of the Code of Civil Procedure, when
19 a local child support agency pursuant to Section 17522, or the
20 department pursuant to Section 17454 or 17500, issues a levy upon,
21 or requires by notice any employer, person, political officer or
22 entity, or depository institution to withhold the amount of, as
23 applicable, a financial asset for the purpose of collecting a
24 delinquent child support obligation, the person, financial institution,
25 or securities intermediary (as defined in Section 8102 of the
26 Commercial Code) in possession or control of the financial asset
27 shall liquidate the financial asset in a commercially reasonable
28 manner within 20 days of the issuance of the levy or the notice to
29 withhold. Within five days of liquidation, the person, financial
30 institution, or securities intermediary shall transfer to the State
31 Disbursement Unit, established under Section 17309, the proceeds
32 of the liquidation, less any reasonable commissions or fees, or
33 both, which are charged in the normal course of business.

34 (b) If the value of the financial assets exceed the total amount
35 of support due, the obligor may, within 10 days after the service
36 of the levy or notice to withhold upon the person, financial
37 institution, or securities intermediary, instruct the person, financial
38 institution, or securities intermediary who possesses or controls
39 the financial assets as to which financial assets are to be sold to
40 satisfy the obligation for delinquent support. If the obligor does

1 not provide instructions for liquidation, the person, financial
2 institution, or securities intermediary who possesses or controls
3 the financial assets shall liquidate the financial assets in a
4 commercially reasonable manner and in an amount sufficient to
5 cover the obligation for delinquent child support, and any
6 reasonable commissions or fees, or both, which are charged in the
7 normal course of business, beginning with the financial assets
8 purchased most recently.

9 (c) For the purposes of this section, a financial asset shall
10 include, but not be limited to, an uncertificated security, certificated
11 security, or security entitlement (as defined in Section 8102 of the
12 Commercial Code), security (as defined in Section 8103 of the
13 Commercial Code), or a securities account (as defined in Section
14 8501 of the Commercial Code).

15 ~~SEC. 23.~~

16 *SEC. 24.* Section 17523.5 of the Family Code is amended to
17 read:

18 17523.5. (a) (1) Notwithstanding any other law, in connection
19 with the duty of the department and the local child support agency
20 to promptly and effectively collect and enforce child support
21 obligations under Title IV-D, the transmission, filing, and recording
22 of a lien record by departmental and local child support agency
23 staff that arises pursuant to subdivision (a) of Section 4506 of this
24 code or Section 697.320 of the Code of Civil Procedure against
25 the real property of a support obligor in the form of a digital or a
26 digitized electronic record shall be permitted and governed only
27 by this section.

28 (2) A facsimile signature that complies with the requirements
29 of paragraph (2) of subdivision (b) of Section 27201 of the
30 Government Code shall be accepted on any document relating to
31 a lien that is filed or recorded pursuant to this section.

32 (3) The department and the local child support agency may use
33 the California Child Support Enforcement System to transmit, file,
34 and record a lien record under this section.

35 (b) Nothing in this section shall be construed to require a county
36 recorder to establish an electronic recording delivery system or to
37 enter into a contract with an entity to implement this section.

38 (c) For purposes of this section, the following terms have the
39 following meanings:

1 (1) “Digital electronic record” means a record containing
2 information that is created, generated, sent, communicated,
3 received, or stored by electronic means, but not created in original
4 paper form.

5 (2) “Digitized electronic record” means a scanned image of the
6 original paper document.

7 ~~SEC. 24.~~

8 *SEC. 25.* Section 17525 of the Family Code is amended to
9 read:

10 17525. (a) Whenever a state or local governmental agency
11 issues a notice of support delinquency, the notice shall state the
12 date upon which the amount of the delinquency was calculated,
13 and shall notify the obligor that the amount calculated may, or
14 may not, include accrued interest. This requirement shall not be
15 imposed until the local child support agency has instituted the
16 California Child Support Enforcement System implemented and
17 maintained by the Department of Child Support Services pursuant
18 to Section 17308. The notice shall further notify the obligor of his
19 or her right to an administrative determination of arrears by
20 requesting that the local child support agency review the arrears,
21 but that payments on arrears continue to be due and payable unless
22 and until the local child support agency notifies the obligor
23 otherwise. A state agency shall not be required to suspend
24 enforcement of any arrearages as a result of the obligor’s request
25 for an administrative determination of arrears, unless the agency
26 receives notification of a suspension pursuant to subdivision (b)
27 of Section 17526.

28 (b) For purposes of this section, “notice of support delinquency”
29 means a notice issued to a support obligor that includes a specific
30 statement of the amount of delinquent support due and payable.

31 (c) This section shall not require a state or local entity to
32 calculate the amount of a support delinquency, except as otherwise
33 required by law.

34 ~~SEC. 25.~~

35 *SEC. 26.* Section 17528 of the Family Code is amended to
36 read:

37 17528. (a) As authorized by subdivision (c) of Section 704.110
38 of the Code of Civil Procedure, the following actions shall be taken
39 in order to enforce support obligations that are not being met:

1 (1) Within 18 months of implementation of the California Child
2 Support Enforcement System (CSE), or its replacement as
3 prescribed by former Section 10815 of the Welfare and Institutions
4 Code, and certification of CSE or its replacement by the United
5 States Department of Health and Human Services, the department
6 shall compile a file of all support judgments and orders that are
7 being enforced by local child support agencies pursuant to Section
8 17400 that have sums overdue by at least 60 days or by an amount
9 equal to 60 days of support.

10 (2) The file shall contain the name and social security number
11 of the person who owes overdue support, the amount of overdue
12 support as of the date the file is created, the name of the county in
13 which the support obligation is being enforced by the local child
14 support agency, and any other information that is deemed necessary
15 by the department and the Public Employees' Retirement System.

16 (3) The department shall provide the certified file to the Public
17 Employees' Retirement System for the purpose of matching the
18 names in the file with members and beneficiaries of the Public
19 Employees' Retirement System that are entitled to receive Public
20 Employees' Retirement System benefits. The department and the
21 Public Employees' Retirement System shall work cooperatively
22 to develop an interface in order to match the names in their
23 respective electronic data processing systems. The interface
24 required to intercept benefits that are payable periodically shall be
25 done as soon as it is technically feasible.

26 (4) The department shall update the certified file no less than
27 on a monthly basis to add new cases within the local child support
28 agencies or existing cases that become delinquent and to delete
29 persons who are no longer delinquent. The department shall provide
30 the updated file no less than on a monthly basis to the Public
31 Employees' Retirement System.

32 (5) Information contained in the certified file provided to the
33 Public Employees' Retirement System by the department and the
34 local child support agencies and information provided by the Public
35 Employees' Retirement System to the department shall be used
36 exclusively for child support enforcement purposes and may not
37 be used for any other purpose.

38 (b) Notwithstanding any other law, the Public Employees'
39 Retirement System shall withhold the amount certified from the
40 benefits and refunds to be distributed to members with overdue

1 support obligations or from benefits to be distributed to
2 beneficiaries with overdue support obligations. If the benefits are
3 payable periodically, the amount withheld pursuant to this section
4 shall not exceed the amount permitted to be withheld for an
5 earnings withholding order for support under Section 706.052 of
6 the Code of Civil Procedure.

7 (c) The Public Employees' Retirement System shall forward
8 the amounts withheld pursuant to subdivision (b) within 10 days
9 of withholding to the department for distribution to the appropriate
10 county.

11 (d) On an annual basis, the department shall notify individuals
12 with overdue support obligations that PERS benefits or PERS
13 contribution refunds may be intercepted for the purpose of
14 enforcing family support obligations.

15 (e) No later than the time of the first withholding, the Public
16 Employees' Retirement System shall send those persons subject
17 to withholding the following:

18 (1) Notice that his or her benefits or retirement contribution
19 refund have been reduced by payment on a support judgment
20 pursuant to this section.

21 (2) A form developed by the department that the applicant shall
22 use to request either a review by the local child support agency or
23 a court hearing, as appropriate.

24 (f) The notice shall include the address and telephone number
25 of the local child support agency that is enforcing the support
26 obligation pursuant to Section 17400, and shall specify that the
27 form requesting either a review by the local child support agency
28 or a court hearing must be received by the local child support
29 agency within 20 days of the date of the notice.

30 (g) The form shall include instructions that are designed to
31 enable the member or beneficiary to obtain a review or a court
32 hearing as appropriate on his or her own behalf. The form shall
33 specify that if the member or beneficiary disputes the amount of
34 support arrearages certified by the local child support agency
35 pursuant to this section, he or she may request a review by the
36 local child support agency.

37 (h) The department shall develop procedures that are consistent
38 with this section to be used by each local child support agency in
39 conducting the requested review. The local child support agency
40 shall complete the review in accordance with the procedures

1 developed by the department and shall notify the member or
2 beneficiary of the result of the review within 20 days of receiving
3 the request for review. The notification of review results shall
4 include a request for hearing form and shall inform the member
5 or beneficiary that if he or she returns the completed request for
6 hearing form within 20 days of the date of the notice of review
7 results, the local child support agency shall calendar the matter for
8 court review. If the local child support agency cannot complete
9 the review within 20 days, the local child support agency shall
10 calendar the matter for hearing as specified in subdivision (k).

11 (i) The form specified in subdivision (g) shall also notify the
12 member or beneficiary that he or she may request a court hearing
13 to claim an exemption of any benefit not payable periodically by
14 returning the completed form to the local child support agency
15 within 20 days. If the local child support agency receives a timely
16 request for a hearing for a claim of exemption, the local child
17 support agency shall calendar a court hearing. The amount of the
18 exemption, if any, shall be determined by the court in accordance
19 with the procedures set forth in Section 703.070 of the Code of
20 Civil Procedure.

21 (j) If the local child support agency receives the form requesting
22 either a review by the local child support agency or a court hearing
23 within the 20 days specified in subdivision (f), the local child
24 support agency shall not distribute the amount intercepted until
25 the review by the local child support agency or the court hearing
26 is completed. If the local child support agency determines that all
27 or a portion of the member's or beneficiary's benefits were
28 intercepted in error, or if the court determines that any amount of
29 the benefits are exempt, the local child support agency shall refund
30 any amount determined to be exempt or intercepted in excess of
31 the correct amount to the member or beneficiary within 10 days
32 of determination that a refund is due.

33 (k) Any hearing properly requested pursuant to this section shall
34 be calendared by the local child support agency. The hearing shall
35 be held within 20 days from the date that the local child support
36 agency receives the request for hearing. The local child support
37 agency shall provide notice of the time and place for hearing by
38 first-class mail no later than five days prior to the hearing.

39 (l) Nothing in this section shall limit any existing rights of the
40 member or beneficiary, including, but not limited to, the right to

1 seek a determination of arrearages or other appropriate relief
2 directly from the court. However, if the procedures of this section
3 are not utilized by the member or beneficiary, the court may not
4 require the local child support agency to refund any money that
5 was distributed to the child support obligee prior to the local child
6 support agency receiving notice of a court determination that a
7 refund is due to the member or beneficiary.

8 (m) The Department of Child Support Services and the Public
9 Employees' Retirement System shall enter into any agreement
10 necessary to implement this section which shall include provisions
11 for the department to provide funding to the Public Employees'
12 Retirement System to develop, implement, and maintain the
13 intercept process described in this section.

14 (n) The Public Employees' Retirement System shall not assess
15 service charges on members or beneficiaries in order to recover
16 any administrative costs resulting from complying with this section.

17 ~~SEC. 26.~~

18 *SEC. 27.* Section 17710 of the Family Code is amended to
19 read:

20 17710. (a) Each county shall be responsible for any
21 administrative expenditures for administering the child support
22 program not covered by federal and state funds.

23 (b) Notwithstanding subdivision (a), effective July 1, 1991, to
24 June 30, 1992, inclusive, counties shall pay the nonfederal share
25 of the administrative costs of conducting the reviews required
26 under former Section 15200.8 of the Welfare and Institutions Code
27 from the savings counties will obtain as a result of the reduction
28 in the maximum aid payments specified in Section 11450. Effective
29 July 1, 1992, to June 30, 1993, inclusive, the state shall pay the
30 nonfederal share of administrative costs of conducting the reviews
31 required under former Section 15200.8 of the Welfare and
32 Institutions Code. Funding for county costs after June 30, 1993,
33 shall be subject to the availability of funds in the annual Budget
34 Act.

35 ~~SEC. 27.~~

36 *SEC. 28.* Section 17801 of the Family Code is amended to
37 read:

38 17801. (a) A custodial or noncustodial parent who is
39 dissatisfied with the local child support agency's resolution of a
40 complaint shall be accorded an opportunity for a state hearing

1 when any one or more of the following actions or failures to take
2 action by the department or the local child support agency is
3 claimed by the parent:

4 (1) An application for child support services has been denied
5 or has not been acted upon within the required timeframe.

6 (2) The child support services case has been acted upon in
7 violation of state or federal law or regulation or department letter
8 ruling, or has not yet been acted upon within the required
9 timeframe, including services for the establishment, modification,
10 and enforcement of child support orders and child support
11 accountings.

12 (3) Child support collections have not been distributed or have
13 been distributed or disbursed incorrectly, or the amount of child
14 support arrears, as calculated by the department or the local child
15 support agency is inaccurate. The amount of the court order for
16 support, including current support and arrears, is not subject to a
17 state hearing under this section.

18 (4) The child support agency's decision to close a child support
19 case.

20 (b) Prior to requesting a hearing pursuant to subdivision (a), the
21 custodial or noncustodial parent shall exhaust the complaint
22 resolution process required in Section 17800, unless the local child
23 support agency has not, within the 30-day period required by that
24 section, submitted a written resolution of the complaint. If the
25 custodial or noncustodial parent does not receive that timely written
26 resolution he or she may request a hearing pursuant to subdivision
27 (a).

28 (c) A hearing shall be provided under subdivision (a) when the
29 request for a hearing is made within 90 days after receiving the
30 written notice of resolution required in Section 17800 or, if no
31 written notice of resolution is provided within 30 days from the
32 date the complaint was made, within 90 days after making the
33 complaint.

34 (d) (1) A hearing under subdivision (a) shall be set to commence
35 within 45 days after the request is received by the state hearing
36 office, and at least 10 days prior to the hearing, all parties shall be
37 given written notice of the time and place of the hearing. Unless
38 the time period is waived by the complainant, the proposed hearing
39 decision shall be rendered by the state hearing office within 75
40 days after the request for a state hearing is received by the state

1 hearing office. The department shall have 15 days from the date
2 the proposed decision is rendered to act upon the decision. When
3 a hearing is postponed, continued, or reopened with the consent
4 of the complainant, the time for issuance of the decision, and action
5 on the decision by the department, shall be extended for a period
6 of time consistent with the postponement, continuance, or
7 reopening.

8 (2) For purposes of this subdivision, the “state hearing office”
9 refers to the division of the office or agency designated by the
10 department to carry out state hearings, that conducts those state
11 hearings.

12 (e) To the extent not inconsistent with this section, hearings
13 under subdivision (a) shall be provided in the same manner in
14 which hearings are provided in Sections 10950 to 10967 of the
15 Welfare and Institutions Code and the State Department of Social
16 Services’ regulations implementing and interpreting those sections.

17 (f) Pendency of a state hearing shall not affect the obligation to
18 comply with an existing child support order.

19 (g) Any child support determination that is subject to the
20 jurisdiction of the superior court and that is required by law to be
21 addressed by motion, order to show cause, or appeal under this
22 code shall not be subject to a state hearing under this section. The
23 director shall, by regulation, specify and exclude from the subject
24 matter jurisdiction of state hearings provided under subdivision
25 (a), grievances arising from a child support case in the superior
26 court which must, by law, be addressed by motion, order to show
27 cause, or appeal under this code.

28 (h) The local child support agency shall comply with, and
29 execute, every decision of the director rendered pursuant to this
30 section.

31 (i) The director shall contract with the State Department of
32 Social Services or the Office of Administrative Hearings for the
33 provision of state hearings in accordance with this section.

34 (j) This section shall be implemented only to the extent that
35 there is federal financial participation available at the child support
36 funding rate set forth in Section 655(a)(2) of Title 42 of the United
37 States Code.

38 ~~SEC. 28:~~

39 *SEC. 29.* Section 17802 of the Family Code is repealed.

1 ~~SEC. 29.~~

2 *SEC. 30.* Section 69619.5 is added to the Government Code,
3 to read:

4 69619.5. (a) The Legislature hereby ratifies the authority of
5 the Judicial Council to convert 10 subordinate judicial officer
6 positions to judgeships in the 2016–17 fiscal year when the
7 conversion will result in a judge being assigned to a family law or
8 juvenile law assignment previously presided over by a subordinate
9 judicial officer, pursuant to subparagraph (C) of paragraph (1) of
10 subdivision (c) of Section 69615.

11 (b) The action described in subdivision (a) shall be in addition
12 to any action that may be taken pursuant to the authority described
13 in subparagraph (B) of paragraph (1) of subdivision (c) of Section
14 69615 to convert up to 16 subordinate judicial officer positions to
15 judgeships.

16 ~~SEC. 30.~~

17 *SEC. 31.* Section 361 of the Welfare and Institutions Code is
18 amended to read:

19 361. (a) (1) In all cases in which a minor is adjudged a
20 dependent child of the court on the ground that the minor is a
21 person described by Section 300, the court may limit the control
22 to be exercised over the dependent child by any parent or guardian
23 and shall by its order clearly and specifically set forth all those
24 limitations. Any limitation on the right of the parent or guardian
25 to make educational or developmental services decisions for the
26 child shall be specifically addressed in the court order. The
27 limitations may not exceed those necessary to protect the child. If
28 the court specifically limits the right of the parent or guardian to
29 make educational or developmental services decisions for the child,
30 or, for the nonminor dependent, if the court finds the appointment
31 of a developmental services decisionmaker to be in the best
32 interests of the nonminor dependent, the court shall at the same
33 time appoint a responsible adult to make educational or
34 developmental services decisions for the child or nonminor
35 dependent until one of the following occurs:

36 (A) The minor reaches 18 years of age, unless the child or
37 nonminor dependent chooses not to make educational or
38 developmental services decisions for himself or herself, or is
39 deemed by the court to be incompetent.

1 (B) Another responsible adult is appointed to make educational
2 or developmental services decisions for the minor pursuant to this
3 section.

4 (C) The right of the parent or guardian to make educational or
5 developmental services decisions for the minor is fully restored.

6 (D) A successor guardian or conservator is appointed.

7 (E) The child is placed into a planned permanent living
8 arrangement pursuant to paragraph (5) of subdivision (g) of Section
9 366.21, Section 366.22, Section 366.26, or subdivision (i) of
10 Section 366.3, at which time, for educational decisionmaking, the
11 foster parent, relative caretaker, or nonrelative extended family
12 member as defined in Section 362.7, has the right to represent the
13 child in educational matters pursuant to Section 56055 of the
14 Education Code, and for decisions relating to developmental
15 services, unless the court specifies otherwise, the foster parent,
16 relative caregiver, or nonrelative extended family member of the
17 planned permanent living arrangement has the right to represent
18 the child or nonminor dependent in matters related to
19 developmental services.

20 (2) An individual who would have a conflict of interest in
21 representing the child or nonminor dependent shall not be
22 appointed to make educational or developmental services decisions.
23 For purposes of this section, “an individual who would have a
24 conflict of interest” means a person having any interests that might
25 restrict or bias his or her ability to make educational or
26 developmental services decisions, including, but not limited to,
27 those conflicts of interest prohibited by Section 1126 of the
28 Government Code, and the receipt of compensation or attorney’s
29 fees for the provision of services pursuant to this section. A foster
30 parent shall not be deemed to have a conflict of interest solely
31 because he or she receives compensation for the provision of
32 services pursuant to this section.

33 (3) If the court limits the parent’s educational rights pursuant
34 to this subdivision, the court shall determine whether there is a
35 responsible adult who is a relative, nonrelative extended family
36 member, or other adult known to the child who is available and
37 willing to serve as the child’s educational representative before
38 appointing an educational representative or surrogate who is not
39 known to the child.

1 If the court cannot identify a responsible adult who is known to
2 the child and available to make educational decisions for the child,
3 subparagraphs (A) to (E), inclusive, of paragraph (1) do not apply,
4 and the child has either been referred to the local educational
5 agency for special education and related services, or has a valid
6 individualized education program, the court shall refer the child
7 to the local educational agency for appointment of a surrogate
8 parent pursuant to Section 7579.5 of the Government Code.

9 If the court cannot identify a responsible adult to make
10 educational decisions for the child, the appointment of a surrogate
11 parent as defined in subdivision (a) of Section 56050 of the
12 Education Code is not warranted, and there is no foster parent to
13 exercise the authority granted by Section 56055 of the Education
14 Code, the court may, with the input of any interested person, make
15 educational decisions for the child.

16 (4) If the court appoints a developmental services decisionmaker
17 pursuant to this section, he or she shall have the authority to access
18 the child's or nonminor dependent's information and records
19 pursuant to subdivision (u) of Section 4514 and subdivision (y) of
20 Section 5328, and to act on the child's or nonminor dependent's
21 behalf for the purposes of the individual program plan process
22 pursuant to Sections 4646, 4646.5, and 4648 and the fair hearing
23 process pursuant to Chapter 7 (commencing with Section 4700)
24 of Division 4.5, and as set forth in the court order.

25 If the court cannot identify a responsible adult to make
26 developmental services decisions for the child or nonminor
27 dependent, the court may, with the input of any interested person,
28 make developmental services decisions for the child or nonminor
29 dependent. If the child is receiving services from a regional center,
30 the provision of any developmental services related to the court's
31 decision must be consistent with the child's or nonminor
32 dependent's individual program plan and pursuant to the provisions
33 of the Lanterman Developmental Disabilities Services Act
34 (Division 4.5 (commencing with Section 4500)).

35 (5) All educational and school placement decisions shall seek
36 to ensure that the child is in the least restrictive educational
37 programs and has access to the academic resources, services, and
38 extracurricular and enrichment activities that are available to all
39 pupils. In all instances, educational and school placement decisions
40 shall be based on the best interests of the child. If an educational

1 representative or surrogate is appointed for the child, the
2 representative or surrogate shall meet with the child, shall
3 investigate the child's educational needs and whether those needs
4 are being met, and shall, prior to each review hearing held under
5 this article, provide information and recommendations concerning
6 the child's educational needs to the child's social worker, make
7 written recommendations to the court, or attend the hearing and
8 participate in those portions of the hearing that concern the child's
9 education.

10 (6) Nothing in this section in any way removes the obligation
11 to appoint surrogate parents for students with disabilities who are
12 without parental representation in special education procedures as
13 required by state and federal law, including Section 1415(b)(2) of
14 Title 20 of the United States Code, Section 56050 of the Education
15 Code, Section 7579.5 of the Government Code, and Rule 5.650
16 of the California Rules of Court.

17 (b) (1) Subdivision (a) does not limit the ability of a parent to
18 voluntarily relinquish his or her child to the State Department of
19 Social Services, to a county adoption agency, or to a licensed
20 private adoption agency at any time while the child is the subject
21 of a petition to declare him or her, or is, a dependent child of the
22 juvenile court, if the department, county adoption agency, or
23 licensed private adoption agency is willing to accept the
24 relinquishment.

25 (2) When accepting the relinquishment of a child described in
26 paragraph (1), the department or a county adoption agency shall
27 comply with Section 8700 of the Family Code and, within five
28 court days of accepting the relinquishment, shall file written notice
29 of that fact with the court and all parties to the case and their
30 counsel.

31 (3) When accepting the relinquishment of a child described in
32 paragraph (1), a licensed private adoption agency shall comply
33 with Section 8700 of the Family Code and, within 10 court days
34 of accepting the relinquishment, shall file or allow another party
35 or that party's counsel to file with the court one original and five
36 copies of a request to approve the relinquishment. The clerk of the
37 court shall file the request under seal, subject to examination only
38 by the parties and their counsel or by others upon court approval.
39 If the request is accompanied by the written agreement of all
40 parties, the court may issue an ex parte order approving the

1 relinquishment. Unless approved pursuant to that agreement, the
2 court shall set the matter for hearing no later than 10 court days
3 after filing, and shall provide notice of the hearing to all parties
4 and their counsel, and to the licensed private adoption agency and
5 its counsel. The licensed private adoption agency and any
6 prospective adoptive parent or parents named in the relinquishment
7 shall be permitted to attend the hearing and participate as parties
8 regarding the strictly limited issue of whether the court should
9 approve the relinquishment. The court shall issue an order
10 approving or denying the relinquishment within 10 court days after
11 the hearing.

12 (c) A dependent child shall not be taken from the physical
13 custody of his or her parents or guardian or guardians with whom
14 the child resides at the time the petition was initiated, unless the
15 juvenile court finds clear and convincing evidence of any of the
16 following circumstances listed in paragraphs (1) to (5), inclusive,
17 and, in an Indian child custody proceeding, paragraph (6):

18 (1) There is or would be a substantial danger to the physical
19 health, safety, protection, or physical or emotional well-being of
20 the minor if the minor were returned home, and there are no
21 reasonable means by which the minor's physical health can be
22 protected without removing the minor from the minor's parent's
23 or guardian's physical custody. The fact that a minor has been
24 adjudicated a dependent child of the court pursuant to subdivision
25 (e) of Section 300 shall constitute prima facie evidence that the
26 minor cannot be safely left in the physical custody of the parent
27 or guardian with whom the minor resided at the time of injury.
28 The court shall consider, as a reasonable means to protect the
29 minor, each of the following:

30 (A) The option of removing an offending parent or guardian
31 from the home.

32 (B) Allowing a nonoffending parent or guardian to retain
33 physical custody as long as that parent or guardian presents a plan
34 acceptable to the court demonstrating that he or she will be able
35 to protect the child from future harm.

36 (2) The parent or guardian of the minor is unwilling to have
37 physical custody of the minor, and the parent or guardian has been
38 notified that if the minor remains out of their physical custody for
39 the period specified in Section 366.26, the minor may be declared
40 permanently free from their custody and control.

1 (3) The minor is suffering severe emotional damage, as indicated
2 by extreme anxiety, depression, withdrawal, or untoward aggressive
3 behavior toward himself or herself or others, and there are no
4 reasonable means by which the minor's emotional health may be
5 protected without removing the minor from the physical custody
6 of his or her parent or guardian.

7 (4) The minor or a sibling of the minor has been sexually abused,
8 or is deemed to be at substantial risk of being sexually abused, by
9 a parent, guardian, or member of his or her household, or other
10 person known to his or her parent, and there are no reasonable
11 means by which the minor can be protected from further sexual
12 abuse or a substantial risk of sexual abuse without removing the
13 minor from his or her parent or guardian, or the minor does not
14 wish to return to his or her parent or guardian.

15 (5) The minor has been left without any provision for his or her
16 support, or a parent who has been incarcerated or institutionalized
17 cannot arrange for the care of the minor, or a relative or other adult
18 custodian with whom the child has been left by the parent is
19 unwilling or unable to provide care or support for the child and
20 the whereabouts of the parent is unknown and reasonable efforts
21 to locate him or her have been unsuccessful.

22 (6) In an Indian child custody proceeding, continued custody
23 of the child by the parent or Indian custodian is likely to result in
24 serious emotional or physical damage to the child, and that finding
25 is supported by testimony of a "qualified expert witness" as
26 described in Section 224.6.

27 (A) Stipulation by the parent, Indian custodian, or the Indian
28 child's tribe, or failure to object, may waive the requirement of
29 producing evidence of the likelihood of serious damage only if the
30 court is satisfied that the party has been fully advised of the
31 requirements of the federal Indian Child Welfare Act (25 U.S.C.
32 Sec. 1901 et seq.), and has knowingly, intelligently, and voluntarily
33 waived them.

34 (B) Failure to meet non-Indian family and child-rearing
35 community standards, or the existence of other behavior or
36 conditions that meet the removal standards of this section, will not
37 support an order for placement in the absence of the finding in this
38 paragraph.

39 (d) The court shall make a determination as to whether
40 reasonable efforts were made to prevent or to eliminate the need

1 for removal of the minor from his or her home or, if the minor is
2 removed for one of the reasons stated in paragraph (5) of
3 subdivision (c), whether it was reasonable under the circumstances
4 not to make any of those efforts, or, in the case of an Indian child
5 custody proceeding, whether active efforts as required in Section
6 361.7 were made and that these efforts have proved unsuccessful.
7 The court shall state the facts on which the decision to remove the
8 minor is based.

9 (e) The court shall make all of the findings required by
10 subdivision (a) of Section 366 in either of the following
11 circumstances:

12 (1) The minor has been taken from the custody of his or her
13 parent or guardian and has been living in an out-of-home placement
14 pursuant to Section 319.

15 (2) The minor has been living in a voluntary out-of-home
16 placement pursuant to Section 16507.4.

17 ~~SEC. 31.~~

18 *SEC. 32.* Chapter 4 (commencing with Section 10080) of Part
19 1 of Division 9 of the Welfare and Institutions Code is repealed.

20 ~~SEC. 32.~~

21 *SEC. 33.* Section 11475.2 of the Welfare and Institutions Code
22 is repealed.

23 ~~SEC. 33.~~

24 *SEC. 34.* Section 11475.3 of the Welfare and Institutions Code
25 is repealed.

26 ~~SEC. 34.~~

27 *SEC. 35.* Section 11476.2 of the Welfare and Institutions Code
28 is repealed.

29 ~~SEC. 35.~~

30 *SEC. 36.* Chapter 6 (commencing with Section 16575) of Part
31 4 of Division 9 of the Welfare and Institutions Code is repealed.